

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

159

2025:PHHC:015680



CRM-M-5539 of 2025 (O&M)

DECIDED ON: 3rd February, 2025

Gurwinder Singh @ Ghoni and another

.....PETITIONERS

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Surinder Thakur, Advocate for petitioners.

SANDEEP MOUDGIL., J (ORAL)

Prayer in the present petition under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of the impugned order dated 12.9.2024, passed by the Court of Ld. Judicial Magistrate Ist Class-9, Jalandhar, whereby non-bailable warrants of arrest have been issued against the petitioners.

Due to non-appearance on 12.9.2024, non-bailable warrants were issued against the present petitioners. Subsequently, on 14.5.2024 summons issued to petitioners have been received back unserved and thereafter again on 24.7.2024 a show cause notice to Incharge, Tamili Staff, Jalandhar to explain the reasons for failing to discharge his duty as a result of which the proceedings of the case have been obstructed.

Today, learned counsel for petitioners submits that the petitioners are earning their livelihood by driving taxi and being employees remain out of station i.e. to distance places and for this reasons, they could not appear on the date fixed before the trial Court and undertakes to surrender before the trial Court.

Notice of motion.

Learned State counsel Mr. Jaspal Singh Guru, AAG Punjab accepts notice on behalf of State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

Considering the same to be a bonafide error on part of the petitioners, the petition is allowed and petitioners are directed to surrender before the trial Court as has been undertaken within a period of 10 days from today. In case any application for regular bail is move before the trial Court, it shall be adjudicated expeditiously preferably on the same day and in accordance with law.

However, the aforesaid order/concession to the petitioners shall be subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality application of the petitioners seeking bail be considered by the Trial Court.

3rd February, 2025

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned Yes
Whether reportable No